

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863
www.coastal.ca.gov

W8

CENTRAL COAST DISTRICT (SANTA CRUZ) DEPUTY DIRECTOR'S REPORT

For the

November Meeting of the California Coastal Commission

MEMORANDUM

Date: November 16, 2005

TO: Commissioners and Interested Parties
FROM: Charles Lester, Central Coast District Deputy Director
SUBJECT: *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the Central Coast District Office for the November 16, 2005 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the Central Coast District.

REGULAR WAIVERS

3-05-069-W Joseph & Janet Schacherer (Oceano, San Luis Obispo County)

3-05-074-W Brien & Xi Wilson (Pacific Grove, Monterey County)

3-05-075-W Roger & Sally Post (Pacific Grove, Monterey County)

DE MINIMIS WAIVERS

3-05-030-W City Of Pacific Grove, Attn: James Colangelo, City Manager (Pacific Grove, Monterey County)

TOTAL OF 4 ITEMS

DETAIL OF ATTACHED MATERIALS

REPORT OF REGULAR WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13250(c) and/or Section 13253(c) of the California Code of Regulations.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
3-05-069-W Joseph & Janet Schacherer	Demolish an existing one-story garage; Construct a new two-story, 1680 square foot single family residence with two garages. The existing 1,200 sq.ft. residence will remain.	616 Coolidge Drive, Oceano (San Luis Obispo County)
3-05-074-W Brien & Xi Wilson	Second-story addition to an existing one-story single family residence.	135 - 17th Street, Pacific Grove (Monterey County)
3-05-075-W Roger & Sally Post	Interior remodel, removal of cobble walkway, and construction of Americans With Disabilities Act (ADA) accessible walkway at the Green Gables Inn.	104 - 5th Street, Pacific Grove (Monterey County)

REPORT OF DE MINIMIS WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
3-05-030-W City Of Pacific Grove, Attn: James Colangelo, City Manager	Proposed pipeline extension and installation of a pump station, electrical panel, and manholes to expand the City's Urban Runoff Diversion collection area. Dry season runoff will be diverted into the wastewater system.	Ocean Veiw Blvd. & 17th Street (and City properties immediately adjacent to the public right-of-way within an area bounded by Pacific Grove Recreation Trail, First Street and Lorelei Street), Pacific Grove (Monterey County)

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**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: November 2, 2005
TO: Joseph & Janet Schacherer
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver Number 3-05-069-W

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13250(c) of the California Code of Regulations.

APPLICANT: Joseph & Janet Schacherer

LOCATION: 616 Coolidge Drive, Oceano (San Luis Obispo County) (APN(s) 061-112-011)

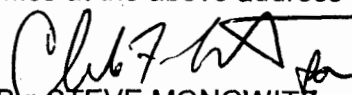
DESCRIPTION: Demolish an existing one-story garage; Construct a new two-story, 1680 square foot single family residence with two garages. The existing 1,200 sq.ft. residence will remain.

RATIONALE: This project is multi-family residential (MFR) infill development that meets the allowable density, maximum floor area, minimum open space, height, setback, and parking requirements. The project is designed to avoid significant impacts to coastal resources and public access to the shoreline. Biological studies show the project site does not contain sensitive habitat areas and coastal water quality is protected through the implementation of construction best management practices. The project includes on-site monitoring by an archaeologist and Native American representative during ground disturbing activities. The project will not inhibit the public's ability to access the shoreline and nearby recreation areas.

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Wednesday, November 16, 2005, in Los Angeles. If three Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,
PETER M. DOUGLAS
Executive Director


By: STEVE MONOWITZ
District Manager

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**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: November 7, 2005
TO: Brien & Xi Wilson
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver Number 3-05-074-W

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13250(c) of the California Code of Regulations.

APPLICANT: Brien & Xi Wilson

LOCATION: 135 - 17th Street, Pacific Grove (Monterey County) (APN(s) 006-164-016)

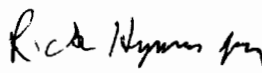
DESCRIPTION: Second-story addition to an existing one-story single family residence.

RATIONALE: The project includes construction best management practices requiring the site to be cleaned and trash and construction debris disposed of properly. The proposed project will not adversely affect coastal resources, impair coastal views, or impact public access to the shoreline.

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Wednesday, November 16, 2005, in Los Angeles. If three Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,
PETER M. DOUGLAS
Executive Director


By: STEVE MONOWITZ
District Manager

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**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: November 7, 2005
TO: Roger & Sally Post
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver Number 3-05-075-W

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13253(c) of the California Code of Regulations.

APPLICANT: Roger & Sally Post

LOCATION: 104 - 5th Street, Pacific Grove (Monterey County) (APN(s) 006-215-013)

DESCRIPTION: Interior remodel, removal of cobble walkway, and construction of Americans With Disabilities Act (ADA) accessible walkway at the Green Gables Inn.

RATIONALE: Construction best management practices have been proposed requiring the site to be cleaned and trash and construction debris to be placed in trash receptacles after each day. No runoff or sediment will be allowed to migrate off-site and enter coastal waters. Additionally, the project will not adversely affect coastal resources, impair coastal views, or impact public access to the shoreline.

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Wednesday, November 16, 2005, in Los Angeles. If three Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,
PETER M. DOUGLAS
Executive Director

Rick Hyman for
By: STEVE MONOWITZ
District Manager

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NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER

DATE: November 10, 2005
TO: City Of Pacific Grove, Attn: James Colangelo, City Manager
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver De Minimis Number 3-05-030-W

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13238 of the California Code of Regulations.

APPLICANT: City Of Pacific Grove, Attn: James Colangelo, City Manager

LOCATION: Ocean View Blvd. & 17th Street (and City properties immediately adjacent to the public right-of-way within an area bounded by Pacific Grove Recreation Trail, First Street and Lorelei Street), Pacific Grove (Monterey County) (APN(s) 006-081-099, 006-181-097)

DESCRIPTION: Proposed pipeline extension and installation of a pump station, electrical panel, and manholes to expand the City's Urban Runoff Diversion collection area. Dry season runoff will be diverted into the wastewater system.

RATIONALE: Applicant proposes the use of construction BMPs and performance standards that will be implemented during construction to prevent runoff, sediment, and other construction related discharges from entering storm drains or natural drainage areas. Applicant further proposes landscaping to screen visual impacts of the new above ground electrical panel and specific measures and detour routes to minimize disruption of coastal access and recreation opportunities. As currently proposed with appropriate mitigations, the project will not adversely impact coastal resources or public access to the shoreline.

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Wednesday, November 16, 2005, in Los Angeles. If four Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,
PETER M. DOUGLAS
Executive Director


By: STEVE MONOWITZ
District Manager

CALIFORNIA COASTAL COMMISSION

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**Memorandum****November 15, 2005****To:** Commissioners and Interested Parties**From:** Charles Lester, Deputy District Director, Central Coast**Re:** **Additional Information for Commission Meeting Wednesday, November 16, 2005**

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
W11b, A-3-05-73	Porter	Correspondence	1
W11.5a, 3-05-58	Watkins	Correspondence	9

Donald Warren Darst
Attorney

W11b
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NOV 03 2005

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

November 1, 2005

California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Agenda No. W11b
A-3-SCO-05-073
Donald Darst
Opposed

Re: Permit Number A-3-SCO-05-073

Attn: Staff

Dear Sir or Madam:

I have reviewed the staff recommendation for this appeal and project. I oppose the construction of the proposed project for the following reasons:

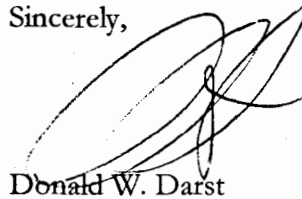
1. The proposed detached "shop" will be constructed on fill. The property has a front to rear depth at the proposed location of approximately fifty-three (53'). Considering the front twenty foot set back and the rear twenty-five foot (minimum) set back requirements there is only a maximum of eight feet for construction. However, approximately five years ago, I saw the previous property owner construct a concrete block retaining wall on the ocean edge of the property and back fill from that wall to eighteen feet from the front property line. Therefore, the actual top edge of the bluff in that location is eighteen feet from the front property line. This results in the proposed "shop" being constructed beyond the top edge of the bluff and, since it is to be constructed on loose fill soil, it constitutes a safety hazard for the occupants and those who are on the beach below the fill area. This is in violation of the setback requirements and common safety sense.
2. Contrary to Staff's conclusion that this structure will fit in with the surrounding homes, this proposed home is significantly different from ANY home in the adjacent area. In fact, one need only look at the Porters' current residence to see just how bad this type of design is for the surrounding neighborhood. The roof rusts and streaks making the home look shabby, the roofline resembles an airplane hanger and the Miami Beach design is better suited for South Beach than the Live Oak area. The head of the planning department who sat when this project was first presented stated that it was ugly and would never be approved.

November 1, 2005

3. The neighbors who have submitted written and oral materials in regards to this project have, overwhelmingly, opposed it.

Please send this project back to the drawing board. I have no objection to the construction of a new home on the property. I am only concerned with the safety of those who will be injured by the construction on fill (perhaps the engineers simply overlooked this area) and the inappropriate design.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald W. Darst". The signature is stylized with a large, sweeping loop at the beginning and a vertical line extending downwards from the end.

Donald W. Darst

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NOV 04 2005

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

W116
Coastal Commission Appeal
Oppose

Charles Paulden, People for the Preservation of Pleasure Point
Santa Cruz County Application No. 02-0600
Commission Appeal No. A-3-SCO-05-073
October 26, 2005

Ch. 8 Community Design

Obj. 8.2 Site and Circulation Design

To enhance and preserve the integrity of the existing land use patterns and to complement the scale and character of neighboring development by assuring that new development is sited, designed and landscaped to be functionally and visually compatible and integrated with surrounding development and to preserve and enhance the natural amenities and features unique to individual building sites and to incorporate them into the site design.

Policy 8.2.2 Design for environmental protection

Require new development to comply with all environmental ordinances...

Obj. 8.4 Residential Neighborhoods

To preserve the residential use and character of existing urban neighborhoods...

Policy 8.4.5 Neighborhood Character Inventories

Require new discretionary project applications to include a neighborhood character visual inventory or equivalent information commensurate with the scope of the project. The purpose of the inventory is to serve as a base from which to develop appropriate guidelines and conditions for the adoption of the project. The inventory shall at a minimum encompass the parcels surrounding the site, consider architectural and landscape style, diversity and setbacks.

Ch 5 Conservation and Open Space

5.10.12 Development Visible from Urban Scenic Roads

(LCP) in the viewsheds of urban scenic roads, require new discretionary development to improve the visual quality through siting, architectural design, landscaping and...

*Design- The arrangement of elements or details which make up a work of art

Policy 5.10.10 Designation of Scenic Road

(LCP) E. Cliff 33rd to 41st Ave

Issues of concern

Does not meet standard for neighborhood compatibility. It is out of character in scale, bulk and style. It is larger in volume and size; it is massed on the small amount of buildable land and is a modern style in a more traditional area of Spanish Colonial and 60's contemporary.

It will be visible from the 1st public road and the scenic road of E. Cliff.

It will block the public view of the ocean from Pleasure Point Dr.

It will reduce parking on Pleasure Point Dr.

It will shade the pocket beach below.

The reduction of bulk could come by not expanding onto the filled area behind the unpermitted extension of the seawall above the pocket beach.

The Supervisors called for reduction of the glass; opacity is not a reduction. Glare from the glass is not being addressed.

I disagree with staff's statement that the Pleasure Pt Dr neighborhood does not have a defining character or design.

The defining design is Spanish Colonial.

A brief history of Pleasure Point Dr.

Moran

Patrick Moran + Rosa Smith 1866.

Blacksmith

1870 bought 237 Ac of land from Rodeo Gulch/ Corcoran Lagoon to 33rd Ave- Lynskey property. Both sides of Moran Lagoon. From the sea to the RR, including Soquel/ Pleasure Point.

Moran sold to Nellie Houghton in 1904 in Estate Sale on Rosa's death, for \$2,500 in gold coins.

Houghton built a family house at the end of 30th called the Owls, because of the many Owls in the area.

Mr. A. D. Houghton was an engineering consultant to John D Rockefeller.

Children went to SC high on the SC-Capitola Street car.

They planted the Eucalyptus windbreak that still shelters the area in the 2000's that also provided over wintering habitat for the Monarch Butterfly

The house burned on Dec 14, 1915.

1920 Neillie owned 6.25 Ac at the end of Houghton/30th Ave.

1929 John C. Kleist owned the property

C. Thompson developed the Pleasure Point subdivision.

Dr Norman Sullivan renamed Eucalyptus Dr, Pleasure Point Dr.

The Plung was opened in 1934.

The pool was built in the basement of the Houghton home.

1934 managed by Mrs. Thompson.

1955 re opened by Edward Maloney.

1962 was removed because of a large crack.

The Pleasure Point Subdivision is primarily Spanish Colonial. This can be seen in the latest home built by the Akol's on the last undeveloped lot.

When the Plung was removed, it was replaced by two homes. The home next to 3030 is a good transition from the older development and the newer ones built towards the Pleasure Point Park.

I disagree with staff's statement that the appealed project fits with the size, bulk and scale of the surrounding homes.

This will be the largest house on the street with the smallest buildable area. Much of the lot is in the public right of way, the mean high tide. **Building Bulk** is defined as the perceived physical size of a structure in relation to the site, by the Counties Residential

Design Guidelines. Staff states that this will appear larger, which reinforces that it will be out of compliance with neighborhood compatibility.

I disagree with staff's statement that the appealed project will not affect public views. This is untrue, as the new building will be visible from the scenic road of East Cliff Dr from 33rd Ave to 41st Ave and from Pleasure Point Dr. the first inland road

I disagree with staff's statement that the appealed project will not block a public coastal view. This is untrue, as the new building will block the view from Pleasure Point Dr to the surfing area below.

I disagree with staff's statement that the appealed project will not affect the public view. This is not true. This project is visible from the surf and beach.

In a recent case concerning view protection, a court in San Luis Obispo County ruled that the California Coastal Commission could restrict development to safeguard coastal views for the public. The ruling was the result of a suit against the commission by Dennis C. Schneider, who had proposed building a 10,000-square-foot home for himself on the Harmony Coast between Cayucos and Cambria. A Superior Court judge, Roger Picquet, noted that kayakers, boaters and surfers also enjoy the shore as the homeowner would, and that their views merit protection.

As the population grows and the coast becomes more congested, Peter Douglas, the Coastal Commission's executive director, said, "it is even more of a priority to have a Policy of protection, even for those on the sea looking back at the land."

Ernest Beck - New York Times

I disagree with staff's statement that the appealed project will fit within the existing aesthetic. The side may have added offsets, yet the public will have a very liner view. The stucco siding, metal roof and large glass element will be a harsh contrast to the more comfortable, human friendly and lifefull development that now exists in this area.

The amount of controversy this project has engendered shows that it is not compatible with this neighborhood. Urban planners, Supervisors, Planning Department Members, Community Members and neighbors say this is not compatible. It has been said to stick out like a sore thumb by a public official.

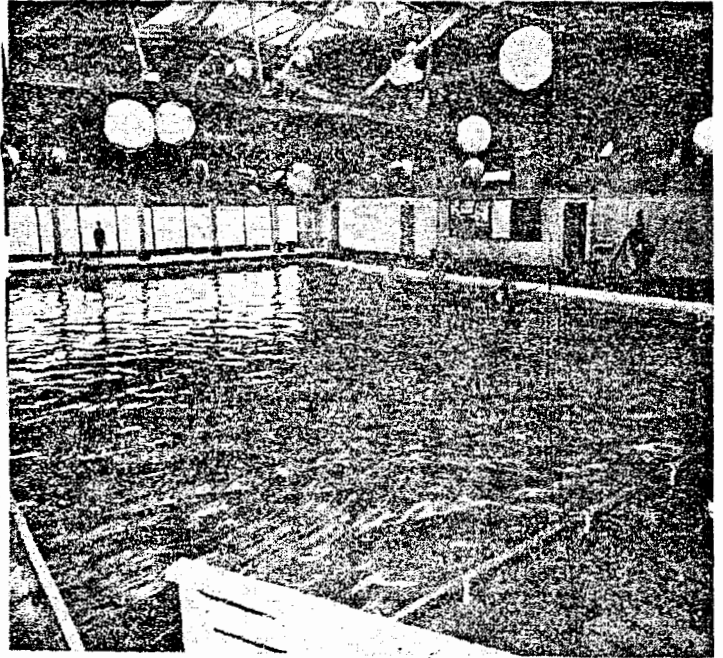
People are drawn to the Coast for harmony and a pleasing repetition of patterns with subtle variation.

The LCP tries to protect this harmony, the County tries to protect this harmony, Urban planners try to protect this harmony, and some Architects recognize the value of this harmony. I hope the Commissioners will see that this project is not compatible with this area and work to support the spirit of the Coastal Act.



The Houghton home, known as "The Owls," at Pleasure Point. After it burned, Pleasure

Point plunge was built in the house basement excavation.



Pleasure Point plunge, recently demolished, looked like this in 1960. It was torn

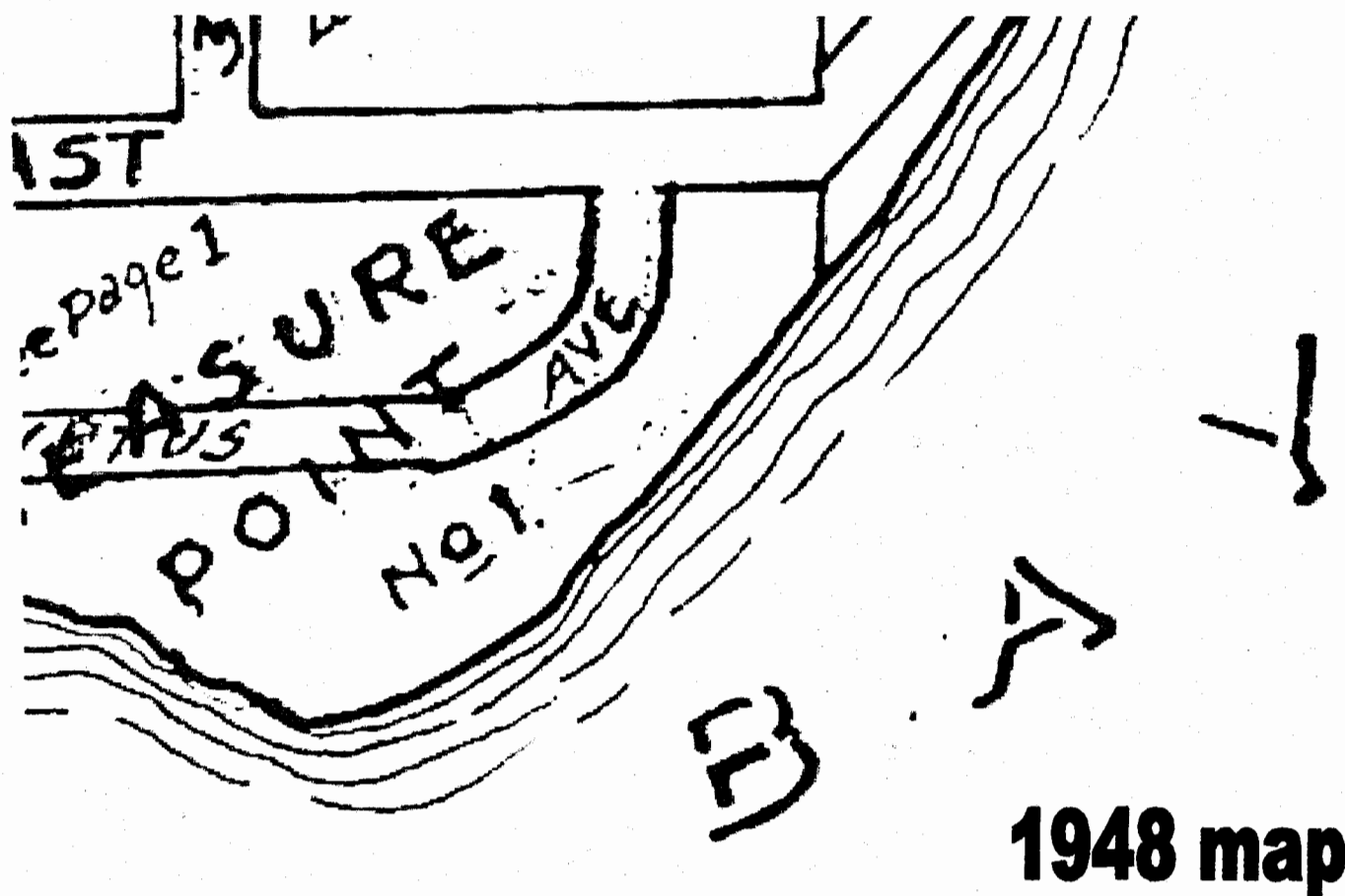
out about four years ago because a large crack had developed in the cement floor

of the pool. Owner was Edward Maloney.

◆ ◆ ◆

Houghton/ Plung





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NOV 09 2005

**CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**

W11b
agenda # W11b
appl. # A-3-SCO-05-073
Michael and Ellen Mellon
Opposed to project

November 8, 2005

California Coastal Commission
Steve Monowitz, District Manager
Central Coast District Office
725 Front St., Suite 300
Santa Cruz, CA. 95060

Mr. Monowitz and Members of the Coastal Commission:

We are writing to voice our opposition to the project proposed for 3030 Pleasure Point Dr., application #A-3-SCO-05-073. We have two points of contention. First, this project, even though approved by the Santa Cruz County Planning Commission on a 4-1 vote Sept. 14, 2005, does not meet the requirements for visual compatibility as per Ordinance 13.20.130, Design criteria for coastal zone developments. A strong case was presented by the neighbors with extensive evidence demonstrating the incompatibility of this project with the existing homes on Pleasure Point Dr. There is no way this project will be "integrated" into the existing neighborhood. Its massing and scale are so out of proportion to the neighborhood that it would stand out like a sore thumb. Unfortunately for us in Santa Cruz County, we have several members on the Planning Commission who have gone on record as "not wanting to be the design police". They refuse to deal with design-related issues, even though it is their responsibility to uphold county ordinances that are specific to design and to neighborhood compatibility. Thus, arguments related to design basically fall on deaf ears. Hopefully, this will not be the case with the Coastal Commission.

Second, one of the conditions that was to be met as per instructions from the Santa Cruz Board of Supervisors (March 8, 2005) was to reduce the amount of glass on the front wall. No reduction whatsoever was made. The project was presented to the Planning Commission at the September 14, 2005, meeting with the same large amount of glass. This was a direct failure to respond to the conditions set by the Board of Supervisors, and only one commissioner, Mr. Bremner, challenged this failure to comply. Again, we are dealing with a group of county commissioners "asleep at the wheel".

Help! You are our last resort. Our coastal neighborhoods are being overwhelmed with grossly large, incompatible structures, yet our government agencies don't want to be "design police". We need "design police", someone who will step up to the plate and enforce the ordinances that are in place to protect our coastal neighborhoods.

Respectfully,
Michael and Ellen Mellon
107 Farley Dr.
Aptos, CA. 95003

W 11.5a

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NOV 02 2005

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

MEMORANDUM

TO: Dan Carl
California Coastal Commission
725 Front St. Suite 300
Santa Cruz, CA 95060
RE: 797 Las Olas Dr.
Aptos, CA
APN# 038-461-01
Application #3-05-058

FROM: John Snyder
PROJECT #: 04002
DATE: November 1, 2005

Dear Dan:

I am writing on behalf of William and Denise Watkins (owners of the property identified above). I have been asked to communicate to the California Coastal Commission, in writing, that the Watkins have received the Staff Recommendations and Conditions of Approval for the sea wall repair application (staff report dated prepared 10/27/2005), and that the Watkins have reviewed the conditions and accept and agree to them as written. Since the Watkins are in agreement with the staff recommendation, please move the item to the Commission's consent calendar.

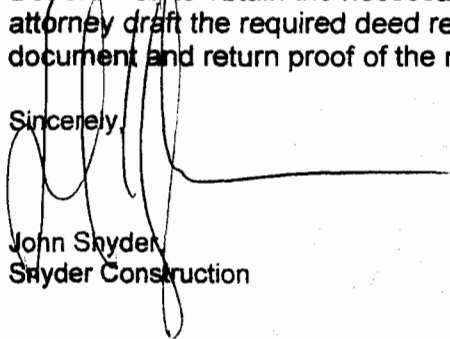
The concrete will contain integral color and texture, and be mottled and sculpted to mimic the natural bluff landforms. Any drainage through the wall will be camouflaged. The short sections of privacy wall atop the sea wall will have hanging planters installed with drip irrigation and be vegetated with non-invasive native bluff species capable of trailing vegetation.

Ifland Engineers in conjunction with Sunstone Construction will prepare the required Construction Plan and As Built Plans. Ifland Engineers (or another qualified firm) will provide ongoing monitoring and reporting to the California Coastal Commission on the condition and performance of the sea wall and make recommendations for maintenance of the structure at the prescribed intervals (every five years).

Snyder Construction will maintain construction documents on site at all times and will make provisions for the construction coordinator to be available for the duration of the project.

The Monterey Bay National Marine Sanctuary has been contacted and we are in communication with Deirdre Hall to obtain the necessary permits or waivers prior to construction. The Watkins will have their attorney draft the required deed restriction and (after review by the Executive Director) will record the document and return proof of the recording to the commission.

Sincerely,


John Snyder
Snyder Construction

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NOV 14 2005

CALIFORNIA
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CENTRAL COAST AREA



W 11.5a
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Monterey Bay National Marine Sanctuary
299 Foam Street
Monterey, California 93940

November 4, 2005

Charles Lester
California Coastal Commission
725 Front Street
Suite 300
Santa Cruz, California 95080

Subject: **Sanctuary Authorization of repair of existing bulkhead seawall at 797
Las Olas Drive, Santa Cruz.**

Dear Mr. Lester:

The Monterey Bay National Marine Sanctuary (MBNMS) has reviewed the California Coastal Commission staff report for the repair of an existing bulkhead seawall at the base of an existing residence at 797 Las Olas Drive, Santa Cruz. Alteration of the seabed is prohibited under Sanctuary regulations, and Sanctuary authorization of this project is required before commencement of seawall construction.

The Coastal Commission staff report was submitted to the MBNMS by your staff on November 2, 2005. Coastal Development Permit 3-05-058 will allow for the repair of an existing bulkhead that is located at the base of 797 Las Olas Drive on the sandy beach adjacent to Potbelly Beach.

This project has provisions in the conditions of the CCC Coastal Development Permit, which will avoid the waters of the Monterey Bay National Marine Sanctuary to the maximum extent feasible by project design and implementation. We appreciate the Coastal Commission staff's willingness to coordinate with our office and further appreciate the fact that many of our concerns regarding seawall maintenance have been addressed and added to the conditions of this Coastal Development Permit.

As stated in the CCC Coastal Development Permit, all reasonable precautions required to prevent discharge of fluids associated with machinery into the waters of the Sanctuary have been outlined in the conditions. Should a spill occur, containment and cleanup shall be immediately attended to and the MBNMS shall be notified.

The MBNMS is not opposed to the repair and maintenance of this seawall project. On the basis of conditions defined in the Coastal Development Permit, the MBNMS does not object to the issuance of this permit. At this time the MBNMS does not have any additional special terms or conditions that must be added to the permit to protect Sanctuary resources and qualities.

MBNMS-2005-040



We appreciate the CCC efforts in coordinating with us on this project. Please send a copy of any final reports associated with it to the MBNMS office. If you have any questions regarding this matter, please contact Ms. Deirdre Hall in the MBNMS office by phone at 831-647-4207 or via email at deirdre.hall@noaa.gov. Thank you for your cooperation with the Monterey Bay National Marine Sanctuary.

Sincerely,



WILLIAM J. DOUROS
Superintendent

cc: D. Bizot, NMSP

